

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARQUISE DEANGELO LOFTIS,

Plaintiff,

v.

ARISCO, *et al.*,

Defendants.

Case No. 1:22-cv-01266-BAM (PC)

**ORDER GRANTING DEFENDANTS' FIRST
REQUEST FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

(ECF No. 39)

Deadline: July 5, 2024

Plaintiff Marquise DeAngelo Loftis ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Rosales Murillo,¹ Tienda, Diaz, and Navarro (collectively, "Defendants") for excessive force/failure to protect in violation of the Eighth Amendment (claim 2, for duration and use of triangle in cuffing); (2) Defendants Tienda and Diaz for excessive force in violation of the Eighth Amendment (claim 5, for jacking handcuffs upwards); (3) Defendant Navarro for failure to intervene in violation of the Eighth Amendment (claim 5); and (4) Defendant Navarro for retaliation in violation of the First Amendment (claim 6). All parties have consented to United States Magistrate Judge jurisdiction. (ECF No. 38.)

Pursuant to the Court's March 1, 2024 Discovery and Scheduling Order, responses to written discovery requests are due forty-five days after the request is first served, and the deadline for completion of all discovery is November 1, 2024. (ECF No. 34.)

¹ Erroneously sued as "Rosales."

1 Currently before the Court is Defendants' request for a thirty-day extension of time to
 2 respond to Plaintiff's First Set of Requests for Production of Documents, up to and including July
 3 5, 2024. (ECF No. 39.) Defense counsel states that Plaintiff served his First Set of Requests for
 4 Production of Documents on April 18, 2024. Defendants' responses are therefore currently due
 5 June 3, 2024.² Following receipt of Plaintiff's requests, defense counsel has been diligently
 6 working with the California Department of Corrections and Rehabilitation's litigation coordinator
 7 to ascertain what documents, if any, are responsive to Plaintiff's requests. Defense counsel
 8 requires additional time to complete this process, draft responses, review those responses with
 9 Defendants, and serve those responses. (*Id.*)

10 Plaintiff has not had an opportunity to respond to Defendants' motion, but the Court finds
 11 a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

12 Having considered the request, the Court finds good cause to extend the deadline for
 13 Defendants to respond to Plaintiff's First Set of Requests for Production of Documents. The
 14 Court further finds that Plaintiff will not be prejudiced by the brief extension of time granted here,
 15 as responses will still be received well before the deadline for completion of all discovery and no
 16 other deadlines will be changed by the requested extension of time.

17 Accordingly, Defendants' motion for an extension of time to respond to Plaintiff's First
 18 Set of Requests for Production of Documents, (ECF No. 39), is **HEREBY GRANTED**.
 19 Defendants' responses shall be served on or before **July 5, 2024**.

20
 21 IT IS SO ORDERED.

22 Dated: May 28, 2024

23 /s/ Barbara A. McAuliffe
 24 UNITED STATES MAGISTRATE JUDGE

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 26
 27 ² Defendants state that their responses are due June 5, 2024. However, pursuant to the Court's Discovery and
 28 Scheduling Order, Defendants' responses are due forty-five days after April 18, 2024, which is Sunday, June 2, 2024.
 Accordingly, Defendants' responses are due on or before Monday, June 3, 2024, the next day that is not a Saturday,
 Sunday, or legal holiday. Fed. R. Civ. P. 6(a)(1)(C).